

APPEAL NO. 032891
FILED DECEMBER 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 30, 2003. The hearing officer resolved the disputed issue by deciding that the _____, compensable injury includes bilateral carpal tunnel syndrome (BCTS) and resulted in respondent 2's (claimant) disability beginning July 21, 2002, and continuing through the date of the CCH. The hearing officer further determined that the claimant did not sustain a compensable (alleged date of injury), occupational disease injury, so the claimant could not have had disability as the result of a (alleged date of injury), occupational disease injury. The appellant (carrier 1) appealed, arguing that the claimant sustained an aggravation injury in the form of BCTS on (alleged date of injury), and that the worsening is reflected by objective evidence. Carrier 1 additionally argues that the evidence showed that the claimant did not sustain disability as the result of the compensable injury but rather due to multiple unrelated cervical injuries. The claimant responded, urging affirmance. The appeal file did not contain a response from respondent 1 (carrier 2).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, and that carrier 1 was the carrier. At issue was whether the claimant's _____, compensable injury extended to include BCTS; whether the claimant sustained a compensable occupational disease injury, with the date of injury of (alleged date of injury); and whether the claimant had disability. The claimant testified that she worked as an office manager and assistant controller for the employer for about seven years and that most of the work she performed required use of the computer. The claimant testified that she had some problems with her wrists since _____, but that initially her left wrist was worse.

The issues of injury, extent of injury, and disability presented questions of fact for the fact finder. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. There was conflicting evidence in this case. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer noted that the claimant's testimony was persuasive and was supported by the medical records

of both her treating doctor and Dr. S. The hearing officer determined that the _____, compensable injury includes BCTS and resulted in the claimant's disability beginning July 21, 2002, and continuing through the date of the CCH. Nothing in our review of the record reveals that the hearing officer's injury and disability determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of insurance carrier 1 is **AMERICAN MANUFACTURERS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

The true corporate name of insurance carrier 2 is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge